IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

SECOND APPEAL NO.569 OF 2006

Balu Dattu Thorwat & Ors. ...Appellants
Vs.
Amar Talim Mandal ...Respondent

Shri M.A. Choudhari for the Appellants.
Shri S.V. Sadavarte for the Respondent.

CORAM : A. S. OKA, J.
DATE : AUGUST 01, 2006.

P.C.:

1. Heard the Advocates appearing for the parties.

Second Appeal is admitted on following substantial questions of law:

(i) Whether the Appellate Court committed an error by completely ignoring that the suit filed by the Respondent was not maintainable for want of consent of the Charity Commissioner as required by Section 51 of the Bombay Public Trusts Act, 1950?

(ii) Whether the Trial Court committed an error by granting blanket relief of perpetual injunction in favour of the Respondent-Plantiff in view of the fact that the Respondent-Plaintiff was not

claiming any independent title?

2. The Advocate for the Respondent waives service. Printing is dispensed with. The Appellant is directed to file a private paper-book alongwith sufficient number of copies thereof within a period of one year from today. If the paper-book is not filed within the stipulated period, the Appeal will stand dismissed for want of prosecution without further reference to the court.

JUDGE